

**PORT AUTHORITY MEETING
MINUTES OF JUNE 5, 2008
COUNCIL CHAMBERS**

Present: Chairman Milton Hall; Members: Guy Petty, Barry Bush, D. Scott Mangiafico, Bill Bailey, Joan Castellano and John Carson and Bion Pike, Harbormaster. Public present: 11 people.

Chairman Hall called the meeting to order at 7:02 pm. Moment of silence for lost fisherman Mr. Christopher Tobey.

1. Minutes of Meeting: May 1, 2008

Chairman Hall noted the following corrections:

Page 1: none

Page 2: none

Page 3: none

Page 4: next to last paragraph replacement of the "gondola" to "gundalow"

2. Budget Report

Chairman Hall noted that June is the last month of Fiscal Year. There is \$2,131 remaining in Capital Improvements out of an allocated \$20,000. Also the Excise Taxes are \$6,000 less than last year up to today and the mooring fees are more or less the same as last year. The Harbor Master expects that there will be more taxes collected once he checks the boats to see who has actually paid in full.

3. Harbor Master Segment

a. New float in Kittery Point
In Place

b. Harbor Master Pike is finishing up with Police Academy, he will complete his training mid-June and looks forward to returning to his post in Kittery.

c. Capstan and Guy Wire "Govt. Street Wharf"
No update.

d. Traip Academy Boat Ramp
No update.

e. Water at Kittery Point Pier:
No update

Harbor Master Pike reported that the boaters, who were near the docks running into each other, have reached a consensus about their travel patterns. Also, that there was vandalism the weekend before, which is being investigated.

f. Harbor Master Boat in and running fine

- g. A mooring in the back channel was moved inappropriately, Harbor Master Pike has spoken with the person who moved it and he has promised to move it back to its proper place.
- h. Voluntary Assistant Harbor Master
Harbor Master Pike introduced Peter Walsh as a candidate for the position of Voluntary Assistant to the Harbor Master. Mr. Walsh is a recent transplant from Sudbury, MA and moved to Kittery last year; he is a software consultant, recreational boater and fisherman. Mr. Walsh wants to volunteer around the dock to become better acquainted with the town.

Chairman Hall asked for a discussion of the details of the position from the board. Mr. Guy Petty asked when the Assistant Harbor Master would be coming on board, Harbor Master Pike responded that he anticipates the position would start next fall and also mentioned that there are other candidates who have shown interest. More specifically, Mike and Kelly have both approached him about the position. Mr. John Carson says that Harbor Master Pike should have full authority over the appointing of the position. Mr. Mangiafico noted that the Port Authority would have to give permission and appoint Assistant Harbor Masters in order to qualify for insurance. Harbor Master Pike was asked how long the Assistant Harbor Master's appointment would be. He replied that he thought it should be one year, the same as the Harbor Master's. Mr. Mangiafico noted that they shouldn't have a set amount of time for insurance purposes. Harbor Master Pike says he envisioned something more formal for the position.

4. Marinas, Piers, and Floats

- a. Public Hearing for William and Judith Smart, 36 Mendum Ave., Kittery (Map 3 Lot 48) to add on to existing Pier, 3' x 35' Ramp and 10' x 20' Float Replace sills on boathouse

- i. Public Comments
None

- ii. Board Deliberations

Mz. Sarah Newick, Agent, gave a full description about the riprap allowed by DEP to virtually nothing. The Pier will stay at its original length and the Float will be 8' X 20' so it can be stored in the boathouse during the winter months. The only riprap will be around the three trees near the boathouse because of ordinances about wetland protection.

Mr. Petty questioned the area below mean low water in the drawings included in the amended plan. Ms. Newick explains that they might not need to go down so far. Chairman Hall says that they usually don't allow pilings to go up so far and that it usually must stay at the rail height. Ms. Newick says that there was an exception granted because of the fairly long aluminum ramp. Mr. Petty accepted Ms. Newick's explanation.

Mr. Mangiafico asks about cross pilings which would be constructed as needed according to the plan. Ms. Newick says that they would be on the first 2 bents for stability purposes if needed. Mr. Mangiafico clarifies the intentions of the plan, noting that it is a rebuilding of an existing pier not the creation of a new one.

Motion: Mr. Mangiafico moves to accept the rebuilding of the pier as detailed in the amended revised plan dated June 5, 2008, a 4 page document, in addition to original application which was submitted January 16, 2008. The amended application to be accepted. Seconded by Barry Bush. Roll call vote: 6 in favor, 1 abstained (Guy Petty): motion carried.

- b. Public hearing for Dawn DiGiammarino, 4 Lawrence Lane, Kittery Point (Map 18, Lot 35) to construct a Residential Pier 6' x 100', 3' x 46' Ramp, and 10' x 20' Float.
 - i. Before the discussion was opened to the public, it was noted that the pier was reduced by 50' in order to be in compliance with Department of Environmental Protection regulations. The plans were amended so that the ramp and float are the same length but the pier is cut in half.
 - ii. Public Comments
None.
 - iii. Board Deliberation
 - 1. Chairman Hall suggested that they make the ramp shorter, but then it was noted that piers cost more than ramps which is why the amended design altered the pier and not the ramp.

Mr. Mangiafico requested a profile view of the plans for the Port Authority's records.

Chairman Hall questioned the lot number and which tax maps were used when planning the project. It was not clear what the lot number was and Mr. Mangiafico requested that the tax map number be clarified.

Mr. Mangiafico moved to accept the original application dated April 15 2008, the applicant must provide a new diagram showing the elevation view and also clarify the lot number. Motion seconded by Mr. John Carson. Roll call vote taken: 7 in favor: motion passes.

- c. Public Hearing for William Cynewski, 30 Rice Ave., Kittery to add onto existing Pier: 2' x 16' Ramp and 8' x 16' Float

- i. Before the discussion was opened to the public, it was noted that the applicant went before Town Council who made an exception to the 25 ft. setback for the plans with an official vote on May 28, 2008.

- ii. Public Comments
None

- iii. Board Deliberation

Mr. Mangiafico asked if the Town Council officially voted on the issue and whether it would be in the minutes. It was determined that it was an official vote. He also asked about open space; Chairman Hall answered that the Town Council determined that it was not an issue in this particular case. Pilings are moved to the inside of the float according to Mr. Cynewski and gangway is staying at 2' wide which will stay inside the piling.

Mr. Mangiafico moved to accept the amended plans dated May 28, 2008 along with the letter from the Kittery town manager dated May 29, 2008, included with the original application dated February 29, 2008. The letter from the town manager states the approval of a waiver for a 25' setback from the property line. Second by Barry Bush. Roll call vote taken: 7 in favor: motion passes.

- d. Application for William Pingree, 9 Bowen Road, Kittery to construct a Residential Pier 6' x 65', 3' x 36' Ramp and 10' x 20' Float.

Mr. Joseph LeBlanc spoke on behalf of William Pingree. Chairman Hall questioned Mr. Leblanc about the Float at low tide and accessibility of Float inside the ledge. Mr. LeBlanc replied that the water depth was three feet and shouldn't have any problem with the ledge. Chairman Hall asked about the elevation of the Pier. Mr. LeBlanc replied that it is 12' or 13'. Chairman Hall suggested that they should raise it a bit to 13.5 ft. or 14 ft. to be safer in that area due to rough southerly storms. Scott Mangiafico asked if they intend to use the existing platform, to which Mr. LeBlanc answered yes. Mr. Pingree asked the Board if he should continue the Pier over the platform so that there is no step down. Mr. Mangiafico suggests that he do that so that it goes right to land and is less of a safety hazard.

Mr. Mangiafico moved the application dated 3/21/ 2008, for a public hearing on July 3, 2008 and suggests that the applicant come back with an elevated drawing. Mr. Bush seconded motion. Roll call vote taken: 7 in favor: motion passes. Mr. Mangiafico asked that the distances from the riparian lines also be added in before the July hearing.

- e. Application for Barbara Gozzo, 96 Pepperrell Rd., Kittery Point to construct a 4' Walkway to Existing Float Ramp

It was noted that Mr. Downs is going to be constructing the walkway and it will be built right across the Launch Ramp from the H/M Shack. It was also noted Pickering Marine designed the walkway and the boathouse was renovated in 2002. Mr. Mangiafico questioned why they are now asking for approval if it has already been there for years. Chairman Hall responded that it comes into our jurisdiction by a couple feet.

Mr. Petty asked how far you would fall if you fell off the proposed walkway, Mr. Downs responded that he thinks about 6' and he will add railings if the board requests it. Mr. Petty noted that it would be beneficial for insurance purposes and also for protection of the owner. The Board briefly discussed the benefits of putting in a railing and comes to the consensus that there should be a railing. Mr. Downs agreed and promised that he will put railings on the walkway. Board decides that they don't need a public hearing for the replacement of a walkway because there was one previously installed.

Motion: Mr. Mangiafico moved to accept. He noted that this is a replacement of a ramp previously existing walkway. The board approved it with the condition to add railings to the side of the walkway and not to exceed 42". Motion seconded by Mr. Bush. Roll call vote taken: 7 in favor: motion passes. Mr. Downs asked if he can also add one 6 foot piling under walkway. Chairman Hall approved this.

5. Public Comments and Issues

- a. Mr. Tom Hibschan voiced his concerns about the status of his application for a temporary mooring which was filed on December 27, 2007. He noted that his current place on the waiting list is 1005. Harbor Master Pike explained that people renew their moorings and can allow them to be a temporary assignment if they are not using it that year. The problem they run into is that there are a lot more temporary moorings in the past, but there are only 800 or so not nearly enough to satisfy the 900 or 1000 that are being demanded. He also noted that he is cleaning up the waiting list and estimates that there are approximately 215 people on the waiting list for Kittery moorings this year. Mr. Hibschan was told that if someone puts money into improving the moorings he could keep possession of the mooring for an additional year. The Harbor Master confirmed this and added that it was dependant on the approval of the mooring's owner. Mr. Hibschan voiced concern about not receiving a hard copy receipt of his application for the waiting list. The Harbor Master replied that, starting next year each applicant will receive a copy of their receipt and one copy will be held at the town hall and one by the Harbor Master himself. Mr. Hibschan inquired as to whether or not he had been on the list since he first signed up in 2004. The Harbor Master confirmed this and offered to give him a hard copy receipt for his records; he also assured Mr. Hibschan that the process would be much more organized in the future. Mr. Petty asked how someone would know if there are temporary

moorings available, to which the Harbor Master replied that they will be assigned as soon as it becomes available this year rather than all at once. He also noted that this process will be voluntary and he will not seek out people to sign up for the temporary mooring list. Mr. Mangificio asked whether or not the information should be put online. It was decided that it is possible for the future but the information needs to be sorted out and finalized off line first before that can happen.

- b. Mr. Paul Blanchette speaks about an issue he has with the mooring list. He told the board that he met with former Harbor Master John McCollett in April. At this meeting he voiced his concerns about the integrity of the mooring list and was assured that it would be "scrubbed" by June 1. He came to the meeting to find out if this has happened since he has not been able to get in touch with Harbor Master Pike since the June 1 deadline. Harbor Master Pike says that he posted a public notice in the paper and on the Town of Kittery "Water Services" website about the list being cleaned up. Participants in the mooring program have until the July Port Authority meeting to appeal either through a receipt, canceled check, etc. to get back on the list. The entire waiting list currently has 217 people. Harbor Master Pike told Mr. Blanchette that he is number 558 on Pepperell Cove list. He clarified the number and noted that Mr. Blanchette is really only about # 30 on the overall list but for Pepperell cove he is higher. Harbor Master Pike said that on July 3 he will generate the final standing waiting list so people will know exactly where they stand. Mr. Blanchette asked that the integrity of the way the waiting list is handled must change because he has been waiting for a spot for 11 years. Mr. Blanchette also inquired about what agency the Port Authority must answer to, Chairman Hall responded that they answer to the Superior Court if an appeal is made within 30 days. Harbor Master invited Mr. Blanchette to come into the office when he gets back from Police Academy in order to see exactly where he is on the waiting list. He noted that the list is also available on the website, which makes it transparent and will make the Harbor Master more accountable in the future.

6. Correspondence to/from Chairman

- a. Mooring # 426: Found the mooring that Mike Varney took a spot to put his boat in. Mooring is up now and Varney's boat is too close. Harbormaster asked him to move his boat back to the original spot so that it does not interfere with anyone.
- b. Chairman Hall noted that he attended town council meeting on the Rice Avenue hearing.
- c. Chairman Hall handed out recommended hours for the Harbor Master, he asked the board to review them for next meeting
- d. Ann Grinnell asked about trailers that were launching boats be charged fees. This issue will be discussed at July 28 Council meeting. It will also be discussed at

July Port Authority meeting with other fees.

- e. Traip Academy Boat Ramp: correspondence about what needs to get it up to "snuff". It's a good layout but the first float sits up about 4 inches up for the next one so they will fix it by putting wood skids underneath it. Chairman Hall also noted that they will put more granite pieces at the end of the ramp.
- f. Applicants for Port Authority positions: Mr. Carson and Ms. Castellano's positions are coming up for re-appointment. As per Town Charter, no matter how many boards you are on you are able to still be on the Port Authority.
- g. Chairman Hall also noted that he updated the files, he combined a few like Dion's Yacht Yard, which goes back around 40 years.

7. Board Members New/Old Business

- a. Mr. Carson: At the Chairman's request he looked into the Port Authority becoming an associate member of the Maine Municipal Association and found out that they could at a cost of \$550.00/yr. Currently the Port Authority's liability and workmen's comp is covered under Cole Harris. The Port Authority decided not to join the MMA at this time.

Also questioned the board about the waterline, the usability of the Kittery town website. He suggested that there be a link directly to Port Authority and Harbormaster on the website. Right now you have to first go to waterfront services. Finally, Mr. Carson complimented Harbor Master Pike on dealing with Mr. Blanchette in an effective manner.

- b. Ms. Castellano: Wanted to compliment Harbor Master Pike for doing his job. The Harbor Master invited her to come patrolling on the Harbor Master boat.
- c. Mr. Bailey: Noted that on May 9 he clipped a Portland Herald article about personal watercraft. The State Court has ruled that that the lakes associations can rule against personal watercraft (like Skidoos). Wants to know if it has anything to do with the Port Authority because there have been complaints about noise and usage of personal watercraft. Mr. Mangiafico says that they must abide by the same rules that boats do.
- d. Mr. Mangiafico: none
- e. Mr. Bush: none
- f. Mr. Petty: Noted that the people are putting all sorts of personal refuge in the dumpster on Government Street. He suggested that there should be signs stating

that there is a fine for personal use.

- g. Mr. Hall: Noted that the Coast Guard will be checking safety zones next week including Fort McClary. Also, Barbara is leaving at the end of the month, she handles all of the Port Authority paperwork. On June 10 they vote on 40,000 to be allotted for pier repair, they must evaluate what actually needs to be done if it passes.
- h. Before adjourning, the Board briefly discussed that there were only 1 or 2 names that could not be justified on the mooring list over 17 years.

8. Adjournment:

Mr. Bill Bailey moved to adjourn the meeting, Mr. Guy Petty seconded. All in favor for a voice vote, 7-0, motion passed. Meeting adjourned at 9:09pm.